DOCUMENT RESUME

ED 059 655 HE 002 813

AUTHOR Fordham, Jefferson B.
TITLE Eight Years of Challenge and Development in the Life of the Association of American Law Schools, 1963-70.
INSTITUTION Association of American Law Schools, Washington, D.C.
PUB DATE 21 Dec 70
NOTE 21p.; Statement distributed at the Annual Meeting of the Association of American Law Schools, December 27-30, 1970

EDRS PRICE MF-$0.65 HC-$3.29
DESCRIPTORS *Higher Education; *Law Instruction; *Law Schools; *Lawyers; *Professional Education

ABSTRACT

This report outlines the various activities of the Association of American Law Schools (AALS) and therefore the purpose of the Association. The activities appear to fall into 5 general categories: (1) educational developments, including student components, faculty appointments, academic freedom and tenure, accreditation, admissions to the bar, curriculum study, teaching methods, education for professional responsibility, orientation programs in American law, publications, and educational activities beyond the primary law school program; (2) interdisciplinary undertakings, such as social science methods in legal education and annual meeting programs; (3) research; (4) law reform and lawyer impact on the community; and (5) government relations. The paper was written for distribution at the 1970 annual meeting of the AALS. (HS)

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1963 - 70

EIGHT YEARS OF CHALLENGE AND DEVELOPMENT IN THE LIFE OF THE ASSOCIATION OF AMERICAN LAW SCHOOLS

A statement by Jefferson B. Fordham for distribution at the Annual Meeting of the Association of American Law Schools - December 27 - 30, 1970

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December 21, 1970

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1963 - 70

EIGHT YEARS OF CHALLENGE AND DEVELOPMENT IN THE LIFE OF THE ASSOCIATION OF AMERICAN LAW SCHOOLS

In his presidential address to the second meeting of the Association of American Law Schools, held at Saratoga, New York, on August 27, 1902, AALS President Emlin McClain, of the Iowa State University College of Law, declared that:

> *** The legitimate object, and, I feel sure, the only purpose embodied in this Association by its founders, is to enable those schools which have similar general conceptions of the object to be attained and the best means of attaining it, to assist each other with a view toward mutual improvement.

He concluded his address to the members with the following words:

> *** It would be unwise, as it seems to me, to assume that all we can do is to fix some standard for determining what schools are reasonably entitled to membership in this Association. That has been a preliminary necessity, but the real work of the Association, if it vindicates its organization and continued existence, will be found to lie in the substantial betterment of the work of the schools represented, a betterment not enuring alone to the schools as such, but also to the benefit of those who receive their education in them.

Some sixty years later, at the annual meeting in December of 1963 at Los Angeles, California, AALS President Walter Gellhorn, in his presidential address to the membership, observed that the law schools do "have an impact upon one another and we should take pains, I think, to see to it that the gears of legal education mesh together more often than they clash." President Gellhorn concluded his address with the following observations:

> I am not so naive as to suppose that all law schools will entirely agree about anything; but the Association can help to achieve a working consensus about some things and it can then itself undertake highly desirable activities beyond the resources of any single school or, if encompassable by the schools individually, involving unproductive duplication of effort. Our Association provides machinery for accomplishing large tasks without the torment of freshly creating an administrative framework for each elaborative endeavor.

> At times in the past we have expected too little of the Association. It gave us a common meeting ground and provided an occasion for a flow of wit, reason, and related convivialities: and that was about all we asked of it.
>
> Now, in my judgment, new services, new enterprises are desirable. Our organization must take a great leap forward. We should not be timid while leading. *** Law schools are playing an ever more important role in American society, and the AALS is their collective personality. This Association, if it wills, can be among the shapers of our national life. I hope it will be - creatively, disinterestedly, and with steadfast adherence to the loftiest professional standards, aware always that the ultimate aims of law are not order and repose, but justice and righteousness.

This statement of purpose of the Association of American Law Schools is a statement of rededication of the AALS to the goal of meeting its historic responsibilities. The vision of President Gellhorn was largely responsible for the infusion of impressive amounts of grant money from the Carnegie Corporation of New York, the Council on Library Resources and the Ford Foundation. All of this made possible the financing of major projects which have had, and continue to have, large influence on the improvement of legal education with resultant benefits to society as a whole. This is far from suggesting that the AALS and legal educators had suddenly become interested and concerned with a wide variety of problems for the first time. Rather, it is to take due note of a movement into a new era of impressive internal development and external influence.

With financial aid from private sources and government the Association has been able to pursue a number of projects with substantial potential for legal education and the commonweal. At this point brief identification of some of the projects should substantiate the point. The fruits of a major study of part-time legal education will appear shortly in a published final report. The Council on Legal Education Opportunity (CLEO) program to provide equality of opportunity in legal education for members of minority groups is a major ongoing undertaking. The same is true of the work of the Council on Legal Education for Professional Responsibility, whose name discloses its thrust.

In taking note of various activities of the Association since 1962, one must bear in mind that developments are to be seen both in retrospect and in prospect. Much is ongoing and suggestive of new lines of activity. Many of the matters which undoubtedly will be of concern to legal educators in the years ahead were described at length in testimony before the education subcommittees of both the House and the Senate of the Congress in connection with the general review of federal support for higher education that the Congress was engaged in during 1970 and continues to be engaged in even now. The formal statement which was submitted by the AALS to the Senate Subcommittee on Education in connection with this undertaking is reproduced in Appendix "D" of the Report of the Committee on Government Relations, which appears in the 1970 AALS Proceedings, Part One, Section III.

In describing the many significant undertakings of the Association it is natural to look to the work of the standing and special committees, the project committees, and the round table councils. Association activities appear to fall into five general categories, as follows:

1. Educational developments;
2. Interdisciplinary undertakings;
3. Research;
4. Law reform and lawyer impact on the community - professional responsibility;
5. Government relations.

This is but a rough division; obviously, there is overlapping.

I

EDUCATIONAL DEVELOPMENTS

1. The Basic Student Component

A conspicuous and durable problem of communication has been that of informing prospective law students and pre-law advisers about law schools and legal education. The Association has made a major attack upon the problem by joining in the publication of a Pre-Law Handbook. The 1970 edition bears the sub-title "Law Study and Practice in the United States."

It is designed to meet the need of college and high school students and their advisers and guidance counselors for advice and information about lawyers and the legal profession, methods of law study, and requirements for admission to law school, as well as information about individual law schools. The volume includes an admission profile of the current entering class for schools authorizing the publication of that information (approximately 75 schools for the current edition). The partner in this venture, the Law School Admission Test Council, is taking over sole responsibility for future editions but the Association will, of course, maintain a continuing interest in it.

Minority Group Students. Although Blacks, for example, constitute roughly 12% of the national population, they make up but slightly more than 1% of the Bar. The most recently available figures indicate that there is one lawyer for every 637 persons in the United States, but only one Black lawyer for every 7,000 Blacks. Even these figures do not measure the particularly acute imbalance in certain sections. Although half of the nation's Blacks live in the South today, less than 15% of the Black lawyers practice there, making but one Black lawyer for every 28,500 Black citizens. Other minority groups have faired no better, if indeed as well. While there are no nation-wide figures for persons of Spanish-American ancestry a single illustration is suggestive. In the City and County of Denver, about 9% of the population is Mexican-American, but only about 10 of the city's 2,000 lawyers (1/2 of 1%) have Spanish surnames. The plight of the American Indian is even worse. The only available estimate reports that no more than about 10 American Indian attorneys are licensed to practice in the entire United States.

In recent years beginning with the Association's Minority Group Study and continuing through the work of the Council on Legal Education Opportunity, which is a joint undertaking of the AALS, the American Bar Association, the National Bar Association and the Law School Admission Test Council, a start has been made to redress this aparent imbalance. By the 1969-70 academic year, Black enrollment had increased to approximately 2,170, Mexican-American enrollment to approximately 415 and American Indian enrollment to a little over 70 students, out of a total law school enrollment of approximately 72,032 in 142 reporting law schools in the United States.

Obviously, this effort, which each successive year is responsible for further proportional increases in the number of minority and disadvantaged students, is already producing a noticeable change in the law student population, and is starting to affect the body of the lawyer population.

The attraction of minority and disadvantaged students to legal education and to the successful meeting of their generally severe financial needs and problems are not the only matters to which people in legal education must address themselves. Patently, new problems are being encountered in terms

of admission standards and of curriculum as well as of attitudes of minority group students and other students, faculty and alumni. Long-held concepts are being challenged. The "relevance" of legal education is questioned. There are problems associated with need of special academic assistance for some students. There are issues of individual student identification with law study as well as collective questions of separatism. Accordingly, many schools have been acting on an essentially individual basis without adequate opportunity to consult with others in similar circumstances. In recognition of this situation, the Association's Committee on Minority Groups prepared a report, published as Part One, Section II of the 1970 Proceedings, which was designed to reduce the information gap by summarizing the experiences of the law schools in their various efforts to meet new conditions. The report makes an analysis of the various adjustments made by American law schools.

It is the hope of the Committee that the report will assist the faculties of the individual schools in re-thinking the goals and methods of legal education in response to the stimulus of new entrants into what has become an all too homogeneous profession. Accordingly, the report covers the development of new courses or changes in existing courses which have been devised in response to the increase in minority students; academic assistance programs, including grading and retension standards; admissions, special, academic and tutorial programs; financial aid; and a discussion of attitudes and responses to minority group programs from the point of view of the minority students themselves, other students, alumni and faculty and administration.

Women in Legal Education. The Executive Committee, having taken cognizance of the relatively small proportion of women law students, as compared to the proportion of women college graduates and gainfully employed members of society, early in 1970 created a Special Committee on Women in Legal Education, which was to have as its central purpose a concern for equality of opportunity in legal education, including professional placement. The president of the Association advised the chairman of the Committee that its mandate contemplated broad consideration of this subject. The Committee has come forward with a proposed amendment to the Articles of Association, which would extend the requirement of equality of opportunity in legal education so as to prohibit discrimination based on sex which would be supported by a declaration of Association policy calling on law schools to deny the use of their placement facilities to prospective employers who discriminate on such basis. The proposed amendment is scheduled for action by the membership at the 1970 Annual Meeting. The Committee has considered problems of recruitment of women students and of women faculty members and conducted a survey of women in legal education and the profession, the results of which are expected to be available prior to the 1970 Annual Meeting.

Student Voice. The Association's cognizant special committee, established in 1968, has not reported. Even without benefit of a canvas or survey, it is believed safe to say that law students have gained substantial voice in the shaping of educational policy, broadly conceived, in Association law schools throughout the country. This is an evolving development. At the present stage student service on faculty committees and some form of student participation in faculty meetings is a commonplace. Of course, the nature of student representation and the strength of student voice vary but it is evident that students are in the game to stay.

2. Faculty Appointments. Unofficially, the Association has had a very important hand in faculty recruitment through its publication and distribution of the Directory of Law Teachers and by providing what amounts to a market place at its annual meeting. In recent years it has taken a hand officially to the extent of maintaining a faculty appointments register available to individuals interested in law teaching placement and to the member schools and to Canadian law schools. The purpose is to assist the schools. The Association provides a faculty appointment registration desk at the annual meeting. Beginning with 1970 that desk will be maintained only through the first full day of the meeting, the obvious object being to favor the formal program.

3. Academic Freedom and Tenure. The Articles of Association exact of each member school that it maintain conditions conducive to the faculty's effective discharge of its scholarly responsibilities. One of those conditions, as articulated in established Association policy, is academic freedom and tenure. The Association, to this end, subscribes to the principles of the American Association of University Professors.

The standing Committee on Academic Freedom and Tenure is composed of fifteen members with three-year staggered terms to afford the benefits of experience and continuity. Charges of violation of governing principles are referred to the committee for appropriate investigation and consideration and, then, for report to the Executive Committee.

The existing practice with respect to formal hearings is for them to be conducted by the Executive Committee. This can prove onerous for a body with that Committee's large and varied responsibilities and the practice appears ripe for re-examination.

The considerable moral force of the Association can be and is applied effectively in behalf of academic freedom and tenure. So it has been in a complex and troubling case during the current year.

4. Accreditation. The AALS is the representative of the educational community charged with the responsibility of accreditation in the field of law. As in other professions, this function is shared with representatives of the practicing members of the profession, in this case, the American Bar Association.

The Committee on Accreditation is in overall charge of the actual operation of the accreditation program of the AALS. This comprehends the giving of advice and counsel to an institution contemplating the possibility of filing an application for membership, the organizing of a regular visiting team to visit a school applying for membership and the analysis of the team reports. It embraces the preparation of recommendations to the Executive Committee concerning applications for membership. It includes the arranging of visits to member schools, pursuant to a program of periodic visitations, which are designed to aid and encourage each school in realizing its full potential. The periodic visitation program is not directed so much to evaluation, in terms of the Articles and Regulations, as assistance to a school in self-appraisal in light of the AALS aspiration for "high standards of legal education" and to pursue well the particular goals that a school may set for itself. The Committee on Accreditation, working closely with the Consultant on Legal Education to the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association, has been carrying out an experimental program of joint visits, each of which have been tailored to meet the special needs and circumstances of the school being visited. It has been recognized that there is a collateral benefit derived from this program, which is the opportunity for the visitors themselves to observe developments in schools that are likely to be of interest to other schools.

Continuity of the educational process and faculty evaluation of student performance have important bearing upon external accreditation of law schools. It will be remembered that events of May, 1970 generated campus tensions which affected the conduct of classes and the holding of examinations in some law schools as well as other academic units. This, in turn, created problems as to taking of bar examinations, notably in New York, where the Court of Appeals insisted upon the taking of written examinations on law school courses in accordance with previous practice in a law school as a qualification for taking the bar examination.

That experience focused attention upon the responsibility of law faculties with respect to the conduct of their educational programs. Should the position be that law degrees from accredited schools are to be accepted on their face, without more? If so, what would be the onus

of law faculties as to student attendance, continuity of the course of study and evaluation of student performance? Of course, law schools are concerned with these matters independently of external influences. But the experience of May, 1970 provoked inquiry and institutional self-study. Thus, it is that a special Association committee on academic continuity and evaluation of student performance has been established. The Chairman is Professor James Vorenberg of Harvard.

5. Admissions to the Bar. What has just been said is related to the concerns of the Committee on Admissions to the Bar and the ongoing investigations and periodic reports of Professor George Stevens, as Director of the Association's Bar Examinations Study Project. It is to be observed, further that the significant increase in the number of minority and disadvantaged students in law schools, renders the work of the Bar Examinations Study Project even more important. In this connection, the project director's Memorandum No. 6, "Bar Examination Success with Minority Group Applicants: A Report and Some Suggestions" is timely. An unannotated revision of this Memorandum appeared in the October, 1970 issue of the American Bar Association Journal. It contained a proposal for the establishment of a data bank under the joint operation of the AALS, the Council of the Section of Legal Education and Admissions to the Bar of the ABA, and the National Conference of Bar Examiners. As the project director noted in his 1970 report. "with the increase in admission to law schools of potential minority group applicants for admission to the bar with lower than average undergraduate grade point averages and LSAT scores, the need for readily available, and reliable, statistical information for intelligent and useful analysis of law school graduation requirements and bar examination results is going to be imperative."

The Bar Examination Study Project is also demonstrating its immediacy with respect to current issues in legal education in other areas as well. For example, Memorandum No. 9, "Bar Examination Coverage, Law School Curricula and the Applicant", which was published in April of 1970, deals with the effect of the bar examination subject coverage on free elective systems which are common in law schools.

6. Curriculum Study. With support from the Ford Foundation, the Executive Committee established a project committee in 1968 to conduct a curriculum study with the view to examining current developments in law school planning and, perhaps, to design a radical model, or models, which might serve to stimulate thinking on the design of law school programs. In September of 1970 the project committee submitted a second tentative draft of the report in which was presented a model for the purpose of

demonstrating the possibility of a somewhat different approach to curricular planning. A third and final draft is in preparation. It will be a principal focus of discussion at a conference on "Individual Training for the Public Profession of Law" to be held in Washington, D. C., in May 1971. Meanwhile, some indication of the developing thought of the committee is given here by reference to the second draft projection.

In producing the tentative model, the project committee, headed by Professor Paul Carrington of Michigan, examined a variety of assumptions with respect to the role of the law schools and the part that graduates law schools are called upon to play throughout their professional lives. These assumptions were the basis for the construction of the essential characteristics of the model. The project committee envisioned the model as being designed for what may be described as a large, full-service law school, enrolling at least 800 students. Thus, one essential characteristic is the variety of programs making different demands of students with different aspirations, and the model proposes variety not only in the quality of the demands placed on students, but also in the length of time required for study. Programs of one year or less for students of minimal qualifications who aspire to work at narrowly defined tasks would co-exist with programs of four years or more for the most intellectual students who aspire to a profound comprehension of law and its relation to another discipline. Between these would be a basic professional program which would be completed by many students in two academic years.

The core of the model is a curriculum designed to produce a tolerable level of general competence in about two years for most capable students. No increase in the level of faculty manpower is contemplated for first-year instruction, even for students who are planning professional careers. However, the model does suggest three changes of importance: first, to compress the coverage of substantive doctrine in order to supply a somewhat greater breadth to the information base which students take into the second year; second, to restructure course lines in order to deemphasize the traditional doctrinal focus; third, to provide a setting for the use of team teaching. Since it is to be hoped that the first-year experience would provide each student with a basis for judgment as to his own individual weaknesses, the second-year program would be designed to meet the goal of bringing all students up to a reasonably high level of professional competence. Thus, half of the curriculum would then be devoted to closely supervised professional work designed to develop professional skills and standards. The balance of the second-year program would be conducted with little faculty supervision, and would consist of reading courses and tutorials. Finally, the model includes a requirement that each professional student gain some experience in teaching law or legal skills through those that are junior to him in experience.

The model also contemplates other kinds of programs, such as a para-professional program which is designed for one full academic year and a general program which would provide a bridge between the professional and the para-professional program, and would perform the role of reinforcing the law school's relation with the other parts of the university. The model also contains an outline of a bar qualification program, "training for research: advanced degree" and special programs.

7. Teaching Methods. During 1970, the Committee on Teaching Methods examined the area of the "condensed courses," which are courses that attempt to give the student most of what he receives in a regular law school course but in much less class time and with correspondingly reduced course credit. The Committee noted that this idea had evolved from the increasing pressure on the second and third-year law school programs from clinical programs, new subjects and seminars stressing individual research. Rather than abandon existing courses in order to accommodate some of these new curricular developments, there have been suggestions about condensing some existing specialized courses as an alternative. The aim would be to provide the student with specific subject knowledge, including policy factors and emerging trends, but avoid attention to the development of legal skills. The Committee conducted a survey which indicated considerable favorable interest by law teachers, and also indicated that there were already experiments with this kind of course at a number of law schools. Following this, the Committee undertook a more detailed investigation of experiments with condensed courses in three fields: estates, trusts and estate planning; torts and workmen's compensation; and anti-trust.

Closely related to concern with teaching methods, has been the Association's Law Teaching Clinic, under the direction of a director and advisory committee. The director is Professor Frank R. Strong of North Carolina.

The first Law Teaching Clinic, made possible by a grant received in January of 1969 from the United States Department of Health, Education and Welfare, was held at the University of North Carolina from July 28, to August 22, 1969. The "student" body consisted of fifty law teachers who were either beginning their teaching careers or who had generally taught no more than two years. In the Fall following the first clinic the entire program and concept were reevaluated, and it was concluded that the program was indeed worthwhile, and that application should be made to the Department of Health, Education and Welfare for a grant to hold a second clinic. However, it was decided that, in order to permit adequate time for planning the clinic program and obtaining faculty commitments for participation, a second clinic should be planned for the Summer of 1971. The second clinic will be held

at the University of Wisconsin Law School from July 26 through August 14, 1971. Although many problems were encountered in the first clinic, virtually all of the "students" were in agreement that the project was of great value and should be continued. The forthcoming second clinic has been carefully designed to take advantage of the lessons of the 1969 clinic participants, particularly with respect to a longer "lead time" for careful and detailed planning.

Finally, no discussion of teaching methods would be complete without reference to the highly successful National Conference on the Teaching of Anti-Poverty Law which was sponsored by the Association of American Law Schools and held at the Fordham Law School in New York City on January 31 - February 2, 1969. The conference presented a series of lectures and discussions covering current problems and recent developments in the teaching of anti-poverty law, with particular emphasis given to course content, teaching materials and methods of instruction. The goal of the conference was a frank exchange among those currently teaching in the field as well as those considering instituting anti-poverty law programs. Under the direction of the Committee on Community Services the transcript of the conference has been readied for early publication.

8. Education for Professional Responsibility. The Association has been concerned actively with this component of legal education for a number of years, in terms both of formal education and of the example of law teachers in living situations. The Association's Roundtable on Professional Responsibility, under the Chairmanship of Professor Donald T. Weckstein of Connecticut, conducted a major conference on the subject at the University of Colorado Law School in June 1968. The conference proceedings have been published in the August 1969 number of the University of Colorado Law Review.

The Association is, of course, a participant in the work of the Council on Legal Education for Professional Responsibility through law teacher representation. Through this organization financial support for special educational programs of a clinical character in a number of member schools has been provided.

It is appropriate to note here a related activity in which the Association participated. There has been significant interest in achieving greater recognition of Trial Advocacy in formal legal education. To advance the cause a coursebook on Trial Advocacy was prepared by Professor A. Leo Levin of Pennsylvania and Harold Cramer of the Philadelphia Bar. The project was sponsored by the American College of Trial Lawyers and the Section of Judicial Administration of the American Bar Association in consultation with the AALS. Maurice Rosenberg of Columbia was consultant.

9. Orientation Program in American Law. The OPAL program for foreign graduate students has, during its existence over the past six years, both served its primary function well and had a significant impact on the larger community, particularly if we view the responsibility of American legal education as fulfilling a community need not only at home but also abroad. The program offers intensive instruction in the methods and materials of American law and American political and economic institutions, and supplementary instruction in the English language. It has generally been open to those who have not previously had formal training in the legal system of the United States or a closely related legal system. Any student admitted to full-time graduate study at an AALS member school who has not already had a year in residence at an American Law School and who does not hold a degree in law from a university in an English-speaking jurisdiction, may attend OPAL during the Summer preceding his graduate study. The sixth session of the OPAL program was held at Brown University, in Providence, Rhode Island, from June 28 to August 22, 1970. 121 students, 13 of whom were women, from 39 countries (12 from Africa, 16 from Central and South America, 40 from Asia, and 49 from Europe) attended. Following the program, these students were scheduled to attend 19 different law schools around the country.

10. Publications. There are two Association publications which have a direct bearing on the AALS concerns for educational developments and improvement. These are the Journal of Legal Education and the Foreign Exchange Bulletin. The Journal provides an obvious forum for discussion of all aspects of legal education. Its circulation to all teachers in Association schools assures its potential for significant impact.

A recent development has been the publication of a fifth issue of the Journal each year. This is particularly useful as a means of giving circulation to the papers presented and proceedings had at an annual meeting with a program devoted to a central subject or theme. So it was with the 1969 meeting and so will it be as to that of 1970. The editing has been a labor of love for a succession of worthy members of the law teaching fraternity. The time has come to consider the making of a larger Association commitment to so important a medium.

The Foreign Exchange Bulletin has been useful in providing a flow of information relevant to the international exchanges of law teachers and scholars. It, thus, fulfills an important function in the two-way process of this kind of foreign exchange.

11. Educational Activities beyond the Primary Law School Program - Law for Undergraduates; Education of the General Public; Training of Para-professionals

The Association's Committee on Teaching Law Outside of Law Schools has been particularly concerned with undergraduate instruction designed to share perspectives of law, legal institutions and processes with students not vectored toward law as a profession. Law teachers are, doubtless, the best qualified personnel to perform the function. In a time of financial stringency for higher education and law schools, in particular, the extension of this law school outreach does not appear promising. But the Committee is not in business for a day or a year. It has the opportunity to develop ideas which can be shared fully within the Association membership for either current or future application.

AALS efforts with respect to the teaching of law outside of law schools continues to occupy the attention, not only of the specific committee, but also other groups within the organization. The Committee on Law and the Humanities has given attention to suggestions, which had been made by University of Chicago President Edward H. Levi in his 1969 address at the University of Pennsylvania Law School, with respect to the possibilities of better integration and combination of legal education with undergraduate liberal arts education. In that connection, the Committee appointed a subcommittee to compile a reading list in the area of the relationship between legal education and undergraduate education, especially on the question of whether it would be advisable to integrate law school education with liberal arts education.

The Association has been making a highly significant contribution to public understanding of legal developments through the Supreme Court Memoranda Project. The educational function is pursued indirectly. Law faculty members prepare memoranda about cases as to which the Supreme Court of the United States has accepted jurisdiction. They set out the basic facts in the litigation context and identify the questions to be considered by the high court. The memoranda go to newspapers and other mass media and enable their personnel to report accurately and clearly on cases pending in the Court. Both Chief Justice Earl Warren and Chief Justice Warren Berger have given encouragement to the project as an important public service.

The first step has been taken in the Association with respect to the question of law school involvement in the training of legal para-professionals. President-elect Alfred Conard has appointed a committee to give consideration to the subject.

II

INTERDISCIPLINARY UNDERTAKINGS

The Association has been an active force for a good many years in stimulating interdisciplinary effort in legal education and research. Back in the nineteen-fifties its Committee on Law and Psychology exerted signficant influence in the development of law and behavioral science programs in particular law schools. It has engaged scholars from various disciplines in its own activities. It has had a joint committee with the American Economic Association and has a delegate to the American Council of Learned Societies. Through the A C L S grants have been made to law teachers for work in fields as diverse as Chinese culture and international tax policy. This is far from saying that the organization has come anywhere close to realizing its full potential with respect to the development of legal education and research in realistic relationship to other disciplines. But there is movement.

There have beentwo major recent Association undertakings related to the social sciences.

1. Social Science Methods in Legal Education. Known as SSMILE, this highly successful summer institute, held for the past three years at the University of Denver College of Law under the joint sponsorship of the AALS and the Law and Society Association, is designed to provide a forum for law teachers to study social science research techniques, identify vital socio-legal research challenges, and engage in constructive clinical analysis and evaluation of research projects. Through this institute, participants have also been able to increase their understanding of the uses of behavioral science emthodology when applied to legal materials. The faculty of the institute has included behavioral scientists, who have done extensive work with legal materials, and law teachers. The benefits of this program are already being seen in law schools throughout the country. Teachers, who have been institute participants, are now sharing their increased awareness of scientific methodology with their students and colleagues, and are better prepared to employ scientific methodology in their own research projects.

2. Annual Meeting Programs. By building an annual meeting program around a core theme a major symposium can be constructed and presented to those who attend the meeting. Such a design is a "natural" for a program of interdisciplinary import. In 1969 and 1970 it has been employed just that way. In the former year the nexus was with the social sciences. This year the relationship is with the physical and natural sciences.

The 1969 theme, "Contemporary Research: The Law and the Law Schools," centered attention upon the increasing importance of social science research and other empirical research and methodology in the improvement of law and the administration of justice. The program planners proceeded on the expectation that to open to law teachers vistas of what is being done and can be done is to accelerate development in this direction in legal education.

The 1970 program theme, "Man in Nature," is a belated recognition of the educational and research relationships of law schools to the physical and natural sciences. Man is not only a social being; he is also a genus of fauna in nature. Happily there is an evident surge of law school interest in ecological matters. An annual meeting program with two general sessions and twenty-one roundtable meetings devoted to the various aspects of the basic subject is calculated to nurture this interest. Of special significance is that the two general sessions are being conducted under the joint sponsorship of the American Association for the Advancement of Science and the AALS. This, it is hoped, will be but the beginning of very active and ongoing interdisciplinary collaboration.

III

RESEARCH

The Association has had at least three concerns with research. It serves as a source of information about legal and related search. There are various ways it can assist member schools and law teachers with respect to research activities within the framework of legal education, broadly conceived. It engages in research programs and projects of its own in line with its objectives.

In 1970 the Committee on Research,under the chairmanship of Professor Ralph Brown of Yale, undertook to survey major research projects in American law schools. This survey had been planned the previous year while Professor Alfred F. Conard of Michigan headed the Committee. The deans of all member law schools were requested to list as "major research projects" only those currently in progress for which $10,000 or more had been committed, including the allocation of released teaching time. Using the formula requested by the Committee for reporting, forty-six schools submitted reports on 148 research projects. A tabulation of these by name of school and researcher and subject is appearing as an appendix to the Report of the Committee on Research in Part One, Section I of the 1970 Proceedings. The subject areas included spread over a wide range of interests, including environmental problems and natural resources (17 projects reported), housing finance and development (4 projects reported), law and society (7 projects reported), medicine and law (4 projects reported), poverty and welfare law(9 projects reported), and science, technology and law (2 projects reported). In addition there are a number of other subject areas which traditionally account for a large measure of research activity, such as criminal law and administration, international and comparative law, and family law.

One of the most significant research-related activities of the AALS has been the completion and publication of Law Books Recommended for Libraries. The distribution of the last three lists, including the "General Index," was

made in October of 1970. This publication is a compilation of forty-six subject lists which provide libraries with carefully-selected and briefly-annotated lists of law books which are recommended for inclusion in libraries of various sizes. Complete in six binders, the work contains 4,044 pages and recommends in excess of 40,000 titles.

The product has been well received in the library world. One professional journal in reviewing the publication said the following:

> Although planned as a book-selection guide for law libraries, the annotated subject arrangement of this work makes it a valuable tool for librarians and scholars in other fields as well. Upon completion of the final list* * *, this cooperative evaluation of the best in legal literature will be one of the most useful tools available for research and acquisition of law materials. ***

Now that the basic work has been completed, preparation of supplements to the various lists are already in progress. One purpose of Law Books Recommended for Libraries was to encourage the reprinting of many important publications which have been out of print for some time. This objective is being met by many publishers who have reprinted many other important publications not on the present basic list. These publications will be included in a list to be submitted to compilers for selection for the supplement.

Libraries. The Committee on Libraries has been engaged in a number of activities bearing on legal research. Two of these activities indicate that the Committee is actively keeping abreast of fast-changing technological developments in library science. In this connection, a subcommittee of the Committee on Libraries, under the chairmanship of Professor Mary W. Oliver of North Carolina, circulated a questionnaire to all law school libraries and prepared a report on computerization and automation, with particular emphasis on the relationship between the law library and the central university library in such programs.

In recent years there have been a number of new developments in the field of micro-reproduction, including micro-film, micro-cards, and micro-fiche. The Committee on Libraries, through its Subcommittee on Micro-Materials, headed by Professor Alfred P. Rubin of Oregon, collected and disseminated information about present and contemplated future activities in this field, with an indication of some of the future potential and problems in connection with its further development and utilization. The Committee on Libraries plans to devote a portion of its committee meeting at the 1970 Annual Meeting to a discussion of the entire subject, and has invited law publishers to send representatives to the meeting to participate in the discussions.

IV

LAW REFORM AND LAWYER IMPACT ON THE COMMUNITY

The AALS provides specific assistance with respect to the improvement of the administration of justice and in policy-making activities in the Federal government in a number of ways. On occasion,there is ad hoc initiative as to a matter having a nexus with legal education. This is likely to be at the request of a member of Congress or a government department or agency. There are, however, specific activities of the AALS which are designed to provide this kind of assistance on an on-going basis. This can be said of the Supreme Court Memorandum Project to which reference has already been made.

Noteworthy is the vigorous participation by spokesmen for the Association in resistance to the threats to the integrity of the Legal Services Program of the U. S. Office of Economic Opportunity during 1969 and 1970. Proposals, like the so-called 'Murphy Amendment of 1969, which was thought to jeopardize the independence of CLS attorneys, particularly with respect to freedom to challenge governmental action involving policy or administration considered damaging to the interests of the beneficiaries of the legal services program. The relation of this to the clinical concerns of legal education is obvious.

The Association was represented in the membership of the Joint Commission on Manpower and Training, which has now disbanded following the submission of its Final Report to the President of the United States. It is represented on the Advisory Committee on Private International Law, which was created to provide advice to the Secretary of State in presenting the views of the United States in connection with the work of the Hague Conference on Private International Law and the Rome Institute for the Unification of Private Law.

Pertinent here is a sector of the larger field of professional responsibility. The reference is to the professional responsibilities of law teachers. In that connection a Special Committee on the Responsibilities of Law Teachers was appointed in the Summer of 1968. This was responsive to a resolution passed at the Boulder Conference on Education for Professional Responsibility in June of 1968, which called upon the AALS to appoint a committee "to study the professional responsibilities of law teachers and law school faculties with consideration given to the preparation of a statement of such responsibilities." In appointing this Committee in the Summer of 1968, AALS President-elect William B. Lockhart advised the Committee that it was not being specifically charged with the responsibility to prepare such a statement "unless they conclude that this will serve a useful purpose." Out of meetings held during the 1968 and 1969 annual meetings and through correspondence among its members, a general consensus emerged, and the Committee submitted its final report for publication in the 1970 Proceedings.

The Committee agreed that law teachers do constantly face problems of professional responsibility for which there is at present very little guidance in any official or unofficial sources. The Committee was concerned that in situations where law teachers come under public attack for making choices that are professionally proper, there may be no source of support in the profession. However, the Committee was not persuaded that this situation justified the formulation of a "statement," since it was not thought that such an approach could ultimately provide much guidance. What did appeal to the Committee, however, was the idea that there might be prepared a series of problem situations for law teachers along the lines of those contained in Professor Robert Mathews' book, Problems Illustrative of the Responsibilities of Members of the Legal Profession. The Committee sees a compilation of this kind as being used by individual law teachers seeking counsel or for use in discussion by panels at various professional meetings, including the possibility of a roundtable panel at an AALS annual meeting.

V

GOVERNMENT RELATIONS

The extremely modest financial support for legal education in American higher education is a long-standing, a continuing, a glaring, disparity. The law schools have themselves largely to blame for it. They have not made the requisite effort to draw effectively upon private sources nor upon State or Federal governmental sources. Only in very recent years has the AALS even had a committee on government relations.

Change is underway. Some Federal support for programs, such as that of CLEO and the Law Teaching Clinic, has been obtained. Much more importantly, in the long view, is the educational process that is being pursued. The AALS has been actively engaged in informing members of the Congress and officials in the executive branch about the role and significance of legal education in American society, about the very real contributions being made by the law schools and about the needs of legal education in responding to the just and growing demands of society for a legal profession adequate both in quality and numbers.

Because legal education is so poorly understood among other educators who deal with the Government and Congress, the interests of legal education are likely to be badly served if representatives of the law schools do not communicate directly with the government agencies and the Congress. While deans and faculty members at individual schools can, and do have, great influence with those offices, it is not likely that they can be expected to represent all

of legal education when they make their appearances in Washington. In other disciplines it is expected that the umbrella associations will represent the interests of the entire group. For many years legal education was not represented in this way, although in the last few years the AALS has been increasing its activities along these lines. It is true that the very presence of the Association's office in Washington has contributed significantly to the great increase in the calls for assistance both from government agencies and members of Congress as to a wide variety of matters affecting education, the administration of justice and various aspects of the law generally.

The recent efforts to obtain funding for Title XI of the Higher Education Act of 1965, providing support for clinical experience programs is a good example of effective government relations work, notwithstanding the final result that funds were not appropriated for implementation of this Title. Several times teams of witnesses testified before the appropriations subcommittees, and in each instance detailed statements were drafted and duplicated in advance. Supplemental information frequently had to be obtained and furnished to the committees, sometimes in connection with the actual hearings and at other times for the general information of members of Congress and their staffs. While the funds were in again and out again, there is no doubt that members of Congress and their staffs are more alive to legal education and its needs than ever before, a situation that cannot help but benefit law schools and students when there is a change in the tide of support for education in general.

In addition to AALS efforts with respect to obtaining appropriations for Title XI, the AALS also concentrated great effort on insuring the continuation of government support for the programs administered by the Council on Legal Education Opportunity, participated to great extent in hearings in connection with proposals for major restructuring of all of higher education legislation, participated in hearings on the Environmental Quality Education Act, maintained close involvement with the pending copyright legislation and the recently passed Tax Reform Act of 1969, and monitored a variety of other bills all having a bearing on legal education. The Government Relations Committee, under the chairmanship of Professor Frank Maloney of Florida, has served the Association well. Its current report is appearing, of course, in the printed proceedings.

It remains to take account of a major organizational development in the life of the Association which conforms to the time span of this statement. The reference, of course, is to the creation of the office of Executive Director, effective in 1963. The office has been filled from the outset, with admirable zeal and devotion, by an able and highly respected member of the law teaching fraternity, Professor Michael Cardozo.

When the decision was taken the author of this statement was one of those who regarded the innovation with some misgivings and nostalgia. But as a member of the proposing committee he had joined in the recommendation.

How is the action to be regarded in retrospect? Of course, the staff would grow; Mr. Cardozo now has two junior professional staff associates and three non-professional staff members, housed in a compact office suite in Washington, D. C. The question is whether the staff has contributed in an impressively significant way to the advancement of the Association and the fruitful conduct of its affairs. The response of the writer, after two years in the officialdom of the Association, is unequivocally in the affirmative. It is clear to him that the greatly-increased activity and accomplishments of the Association during the period 1963-70 could not have come about without the Executive Director and his staff. It is equally clear that, if the Association is to gain in usefulness to its members and to society it must be served by a competent, ongoing central office headed by an able and experienced professional, who is a peer of the teachers in member schools.

It is a pleasure to say that I have been greatly assisted in the preparation of this statement by Peter L. Wolff, Assistant to the Executive Director of the Association.

Jefferson B. Fordham

Jefferson B. Fordham
President for 1970

December 21, 1970